

HK-771 - Application No. 10/676,587
Response to Office action June 13, 2008
Response submitted November 13, 2008

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1, 3, and 5-8 remain in the application. Claims 1, 3, and 5 have been amended. Claims 2 and 4 are being cancelled herewith.

In item 3 on page 2 of the above-identified Office action, claim 4 has been objected to because of the following informalities.

More specifically, the Examiner has stated that "the value range" lacks antecedent basis. Claim 1 has been amended to include the subject matter of claim 4, and the subject matter of the claim has been clarified. Therefore, the objection to claim 4 by the Examiner has been overcome.

Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor

for any reason related to the statutory requirements for a patent.

In item 6 on page 3 of the Office action, claims 1-3 have been rejected as being obvious over Decker (U.S. Patent No. 6,281,984 B1) in view of Fischer (U.S. Patent No. 7,057,765 B1) and Rolleston (U.S. Patent No. 5,483,360) under 35 U.S.C. § 103.

It is appreciatively noted from item 7 on page 14 of the Office action that claims 4-8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to include the subject matter of allowable claim 4 and intervening claim 2. Accordingly, claim 1 is allowable. It is noted that claim 1 has not been amended to include claim 3, because as seen from page 20, lines 10-24 of the specification, the function $s(C1, M1, Y1)$ is used for forming the weighting function $f(C1, M1, Y1)$. Therefore, it is not necessary for intervening claim 3 to be included. Since claim 1 is allowable, dependent claims 3 and 5-8 are allowable as well.

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Since only allowable claims remain, the early issuance of a Notice of Allowance is solicited herewith.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Petition for extension is herewith made. The extension fee for response within a period of 2 months pursuant to Section 1.136(a) in the amount of \$490 in accordance with Section 1.17 is enclosed herewith.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemmer LLP, No. 12-1099.

Respectfully submitted,

/Alfred K. Dassler/

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